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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,473	03/17/2004	Erik J. Reed	324212008500	5469
20872 7590 01/09/2008 MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482			EXAMINER DEBNATH, SUMAN	
			ART UNIT 2135	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,473	Applicant(s) REED ET AL.	
	Examiner Suman Debnath	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-45 are pending in this application.
2. Claims 1 and 17 are presently amended.
3. Claims 29-45 have been newly presented in the amendment filed 26 October 2007.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 30-45 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not support "a computer readable medium encoded with program code."

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 30-45 are rejected under 35 U.S.C 101 because claims are directed to non-statutory subject matter.

Regarding claims 30-45, the Applicant's specification fails to define "computer-readable medium" and merely defines it is "encode with program code" in the claims. Given the lack of a definition, Examiner is interpreting computer-readable medium based on Microsoft® Computer Dictionary, Fifth Edition. Computer-readable is defined as, "Of, pertaining to, or characteristic of information that can be interpreted and acted on by a computer. Two types of information are referred to as computer-readable: bar codes, magnetic tape, magnetic-ink characters, and other formats that can be scanned in some way and read as data by a computer; and machine code, the form in which instructions and data reach the computer's microprocessor." Media is defined as, "The physical material, such as paper, disk, and tape, used for storing computer-based information. Media is plural; medium is singular." Given these definitions, computer-readable medium may be interpreted as including non-statutory embodiments such as machine code stored on paper.

Claim Rejections - 35 USC § 103

9. Claims 1-2, 4, 10-15, 17-18, 20, 25-31, 33-39 and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powers et al. (Patent No.: US 6,832,086 B1),

hereinafter "Powers" in view of Teague (Pub. No.: US 2003/0229717 A1) and further in view of McLampy et al. (US 7,002,973 B2), hereinafter "McLampy".

10. As to claim 1, Powers discloses a method of identifying service abuse, comprising: receiving an event requesting a service (column 3, lines 5-26, "...receives event notifications.."); creating an event identification associated with the event (column 4, lines 40-65, "...creation of an event object"); selecting a table entry from a plurality of table entries in a screening table as a selected table entry (column 5, lines 1-25); incrementing a first count value associated with a first table entry of the plurality of table entries in the screening table in response to the event identification matching an event identification associated with the first table entry (column 5, lines 1-25, "The event counter module 54 increments the counter...."); and determining a metric value for the event from the screening table, the metric value indicating that the event is an abusive request (column 5, lines 1-25, "...determine whether the filtered event exceeds the threshold. If the event count exceeds the filtered event exceeds the threshold, an alarm is emitted to the manager 42."). Furthermore, Powers teaches the event identification failing to match an event identification associated with the selected table entry (column 5, lines 1-25);

Powers doesn't explicitly disclose decrementing a second count value associated with the selected table entry of the plurality of table entries in response to the event identification failing to match an event identification associated with the selected table

entry; replacing the selected table entry with the event identification associated with the received event in response to the second count value equaling a predetermined value;

However, Teague discloses decrementing a count value of a selected table entry of the plurality of table entries in response to the event identification failing to match an event identification associated with the selected table entry ([0063], "decrements the counter..").

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the teaching of Powers as taught by Teague in order to reduce spamming by limiting the number of messages.

Neither Powers nor Teague explicitly discloses replacing the selected table entry with the event identification associated with the event in response to the count of value of the selected entry equaling a predetermined value. However, McLampy discloses replacing the selected table entry with the event identification associated with the event in response to the count of value of the selected entry equaling a predetermined value ("...the entries that are no longer required are removed/replaced by the newer entry" – e.g. see col. 45, lines 20-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers and Teague as taught by McLampy in order to allocate the resources effectively by minimizing the resourced used.

11. As to claims 15 and 30, these are rejected using the same rationale as for the rejection of claim 1.

12. As to claim 17, Powers discloses wherein each event packet includes an event identification associated with an event (column 4, lines 40-65, "...creation of an event object").

13. As to claims 2, 18 and 31, Power discloses wherein the event identification corresponds with the identity of a user (column 4, lines 40-65).

14. As to claims 4 and 20, Power discloses wherein the event identification includes a user identification (column 4, lines 40-65).

15. As to claims 10 and 34, Powers disclose further including disregarding the event in response to the metric value crossing a threshold value (column 5, lines 1-25).

16. As to claims 11 and 35, Powers discloses further including terminating a connection used to receive the event in response to the metric value crossing a threshold value (column 5, lines 1-25).

17. As to claim 12, Powers discloses further including returning an error message in response to the event in response to the metric value crossing a threshold value (column 5, lines 1-25).

18. As to claim 25, Power discloses wherein the cluster host is further adapted to determine a metric value for an entry of the master screening table, the metric indicating that the entry of the master screening table corresponds to an abusive request (column 5, lines 1-25, "...determine whether the filtered event exceeds the threshold. If the event count exceeds the filtered event exceeds the threshold, an alarm is emitted to the manager 42.").

19. As to claim 26, Powers discloses wherein the cluster host is further adapted to set a block value associated with the entry in response to the metric value (column 5, lines 1-25)

20. As to claims 13, 27 and 36, Powers discloses further including: determining an average metric value from the metric value and a set of previous metric values; and disregarding the event in response to the average metric value crossing a threshold value (column 5, lines 1-25)

21. As to claims 14, 28 and 37, Powers disclose wherein determining a metric value comprises: determining a first sub-metric value from the screening table; determining a

second sub-metric value from a second screening table; determining the metric value from a weighted combination of the first and second sub-metric values (column 5, lines 1-25).

22. As to claim 29, neither Powers nor Teague explicitly disclose predetermined value is zero. However, MeLampy teaches predetermined value is zero (col. 45, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers and Teague as taught by MeLampy in order to allocate the resources effectively by minimizing the resourced used.

23. As to claim 33, it is rejected using the same rationale as for the rejection of claim 1.

24. As to claims 38, 39 and 41-45, Power doesn't explicitly disclose a server comprising: a processor; an input/output interface; and the computer readable medium. However, Teague discloses a server comprising: a processor; an input/output interface; and the computer readable medium (FIG. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Power as taught by Teague in order to reduce spamming by limiting the number of messages in a client server environment.

25. Claims 8, 9, 32 and 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Powers in view of Teague in view of MeLampy and further in view of Narad et al. (Pub. No.: US 2003/0061332 A1), hereinafter "Narad".

26. As to claims 8 and 32, Neither Powers and Teague nor MeLampy explicitly disclose further including: selecting a second table entry as a new selected table entry in response to receiving the event. However, Narad discloses disclose further including: selecting a second table entry as a new selected table entry in response to receiving the event ([0411], "...pointer can be used to speculatively fetch the next record..").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers, Teague and MeLampy as taught by Narad in order to minimize the memory latency.

27. As to claim 9, it is rejected using the same rationale as for the rejection of claim 8.

28. As to claim 40, it is rejected using the same rationale as for the rejection of claim 38.

29. Claims 3, 5-7, 19 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powers in view of Teague in view of MeLampy and further in view of Brothers (Pub. No.: US 2002/0083178 A1).

30. As to claims 3 and 19, Neither Powers and Teague nor MeLampy explicitly discloses wherein the event identification includes an IP address. However, Brothers discloses wherein the event identification includes an IP address (FIG. 9C).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers, Teague and MeLampy as taught by Brothers in order to support TCP/IP protocol which is commonly used to transmit data over networks.

31. As to claims 5 and 21, Neither Powers and Teague nor MeLampy explicitly discloses wherein the event identification corresponds with a content value included in the event. However, Brother discloses wherein the event identification corresponds with a content value included in the event ([0020] – [0021], “secure content”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers, Teague and MeLampy as taught by Brothers in order to support various functionality as well as maintaining the security.

32. As to claims 6 and 22, Neither Powers and Teague nor MeLampy explicitly discloses wherein the content value includes at least a portion of a message. However, Brother discloses wherein the content value includes at least a portion of a message ([0020] – [0021], “secure content”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers, Teague and MeLampy as taught by Brothers in order to support various functionality as well as maintaining the security.

33. As to claims 7 and 23, Neither Powers and Teague nor MeLampy explicitly discloses wherein the content value includes at least a portion of a URL. However, Brothers discloses wherein the content value includes at least a portion of a URL ([0020] – [0021]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers, Teague and MeLampy as taught by Brothers in order to support TCP/IP protocol which is commonly used to transmit data over networks.

34. As to claim 24, Neither Powers and Teague nor MeLampy explicitly discloses wherein the content value is a hash of the content value included in the event. However, Brothers disclose wherein the content value is a hash of the content value included in the event ([0020] – [0021]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers, Teague and MeLampy as taught by Brothers in order to support various functionality as well as maintaining the security.

35. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Powers in view of Teague in view of McLampy and further in view of Fisherman et al. (Patent Number 5,586,301), hereinafter "Fisherman".

36. As to claim 16, Neither Powers and Teague nor McLampy explicitly disclose wherein the local screening table is a copy of the master screening table. However, Fisherman discloses wherein the local screening table is a copy of the master screening table (column 7, lines 20-40, "...the corresponding changes are made in the main file allocation table (MAINFAT) and in the cluster affiliation table").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powers, Teague and McLampy as taught by Fisherman in order to minimize the transaction time.

Response to Arguments

37. Applicant's arguments filed 26 October 2007 have been fully considered but they are not persuasive.

38. Applicant argues that: "Teague does not disclose or suggest the use of event identification, nor does Teague disclose or suggest comparing event identifications to determine whether to decrement a counter"

In response to applicant's arguments against the reference individually (i.e. Teague reference), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Power teaches the event identification failing to match an event identification associated with the selected table entry and Power teaches associating count value associated with the selected table entry (i.e. column 5, lines 1-25). Power is silent on decrementing a counter value. However, Teague reference can be used to modify the Power reference to decrement a count value (i.e. [0063]).

39. Applicant argues that: "MeLampy does not disclose or suggest using a counter to determine whether or not to replace a table entry, nor does it disclose or suggest replacing a selected entry when the counter is equal to a predetermined value.

In response to applicant's arguments against the reference individually (i.e. Teague reference), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Power discloses determining a metric value for the event from the screening table, the metric value indicating that the event is an abusive request (column 5, lines 1-25, "...determine whether the filtered event exceeds the threshold. If the event count exceeds the filtered event exceeds the threshold, an alarm

is emitted to the manager 42.”). McLampy discloses replacing a table entry when the entry equaling zero (“...the entries that are no longer required are removed/replaced by the newer entry” –e.g. see col. 45, lines 20-25).

40. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

41. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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